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PC25373A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : David James Rawson, et al. EXAMINER :

SERIAL NO. : 10/698354 ART UNIT :

FILED : October 31, 2003 PAPER NO. :

FOR : Therapeutic Proline Derivatives

Petition to Correct Filing Date as "Date-In" Under 37 C.F.R. 1.10(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Petition to Correct Filing Date Under 37 C.F.R. 1.10(c) is in response to the Applicants request for filing a Utility Patent Application under 37 C.F.R. 1.53(b) in the above referenced matter.

The Applicants' respectfully submit that on October 30, 2003 Applicants filed a request for Utility Patent Application under 37 C.F.R. 1.53(b). Said application was sent to MAIL STOP PATENT APPLICATION using "Express Mail Post Office to Addressee" service of the United States Postal Service according to 37 C.F.R. 1.10. The number of the "Express Mail" mailing label was placed on the Utility Application Transmittal, Fee Transmittal, Unexecuted Declaration and Power of Attorney, Specification, Certified Copy of Priority Document, Certificate of Mailing: Express Mail, and return postcard in accordance with MPEP § 503.

The Applicants deposited the application directly with an employee of the United States Post Office and received a date-in of October 30, 2003. A copy is attached hereto. The Applicants have also attached hereto a copy of the Shipment Details for the Correspondence obtained from the United States Postal Service web-site as well as a copy of the return postcard received by Applicant's on November 12, 2003.

Based on the foregoing, the Applicants respectfully request that the filing date of the above-identified patent application be corrected to reflect the "date-in" on the "Express Mail" mailing label of October 30, 2003.

10/677,836

- 2 -

PC25386A

The Applicants respectfully submit that this Petition requires a fee and authorization is hereby given to charge any fee, which may be required, or credit any overpayment, to Deposit Account 23-0455.

Respectfully submitted,

Date: 1/28/04

By: 

David R. Kurland
Registration No. 41,505
Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor, MI 48105
Tel.: (734) 622-7304
Fax: (734) 622-2928

JCWSCS 28 JAN 2004

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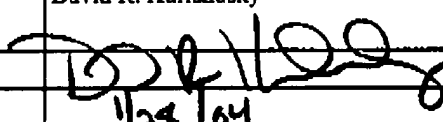
PTO/SB/21 (03-03)

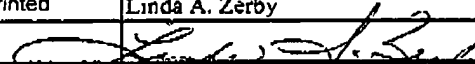
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/698354	
	Filing Date	October 31, 2003	
	First Named Inventor	David James Rawson, et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	7	Attorney Docket Number	PC 25373A

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Correct Filing Date as "Date-In" Under 37 C.F.R. 1.10(c)
Remarks AUTHORIZATION TO CHARGE THE FEE AND ANY ADDITIONAL FEES AS NECESSARY OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455 IS HEREBY GIVEN.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	David R. Kurlandsky	
Signature		
Date	1/28/04	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date <u>1/28/04</u>		
Typed or printed	Linda A. Zerby	
Signature		Date <u>1/28/04</u>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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USPTO Fax No. 703-746-9195

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 130.00**Complete if known**

Application Number	10/69835
Filing Date	October 31, 2003
First Named Inventor	David James Rawson, et al.
Examiner Name	
Art Unit	
Attorney Docket No.	PC25373A

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

Warner-Lambert Company LLC

23-0455

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** =	18.00	0.00
0	-3** =	86.00	0.00
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request or ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00**SUBMITTED BY**

Name (Print/Type)

David R. Kurlandaky

Registration No.
(Attorney/Agent)

41,505

(Complete if applicable)

Telephone 734-622-7304

Signature

Date

1/28/04

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Date 10/31/03 Mo. Day Year	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 17.85
Time In 4:00 AM PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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PHONE 734 622-7304

Warner-Lambert LLC
Legal Division-Patent Department
1300 Plymouth Rd.
Ann Arbor, MI 48105
PC 25373A
PC 25295A

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1. Exp. Mail PO-ADD n
Destination: 22313
Weight: 1lb 8.30oz
Postage Type: None
Total Cost: 17.85
Base Rate: 17.85
Label#: EK651606192US
Corporate Acct.: 481749
Amount Charged: 17.85

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Total 0.00

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- ENROUTE, October 30, 2003, 6:51 pm, DETROIT, MI 48242
- ACCEPTANCE, October 30, 2003, 4:25 pm, ANN ARBOR, MI 48113

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THE UNITED STATES PATENT AND TRADEMARK OFFICE IS IN RECEIPT OF A UTILITY APPLICATION FOR FILING UNDER 37 CFR 1.53 (b) INCLUDING:

1. TRANSMITTAL OF PATENT APPLICATION (2 PAGES) 031088 U.S. PTO ✓
2. FEE TRANSMITTAL (IN DUPLICATE) 10/698354 ✓
3. AN UNEXECUTED DECLARATION (4 PAGES)
4. A SPECIFICATION (92 PAGES)  ✓
5. THIRTEEN (13) CLAIMS (4 PAGES) 103103
6. AN ABSTRACT OF THE DISCLOSURE (2 PAGES)
7. CERTIFIED COPY OF PRIORITY DOCUMENT UK 0225379.7 FILED ON OCTOBER 31, 2002.
8. CERTIFICATE OF MAILING, EXPRESS MAIL NO. EK 651 606 192 US
9. AUTHORIZATION TO CHARGE THE FILING FEE AND ANY ADDITIONAL FEES OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455
10. RETURN POSTCARD

NOV 12 2003

INVENTOR: DAVID JAMES RAWSON

TITLED INVENTION: "THERAPEUTIC PROLINE DERIVATIVES"

DRK:CLP

OCTOBER 30, 2003

PC25373A -DRK

Docketed

DATE 12-30-03

FOR TDS - DRK

BY: FGB CHECKED BY:

Docketed

DATE 01-30-04

FOR TDS - DRK

BY: FGB CHECKED BY:

Deadline